

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**Office of Conservation and Coastal Lands**  
**Honolulu, Hawaii**

REF:OCCL:DH

CDUA: MA-3577

Acceptance Date: December 7, 2010  
180-Day Exp. Date: June 5, 2011

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

April 21, 2011

**REGARDING:** Conservation District Use Application (CDUA) MA-3577 for the Proposed Martin Single Family Residence (SFR) Project

**APPLICANT:** Peter Martin, c/o Peter Klint Martin Trust, 590-A Old Stable Road, Paia, Hawaii, 96779

**AGENT:** Kivette Koepp, Senior Associate, Munekiyo & Hiraga, Inc., 305 High Street, Suite 104; Wailuku, Hawaii, 96793

**LOCATION:** Olowalu, Lahaina District, Island of Maui

**TMK:** (2) 4-8-03:46

**AREA OF PARCEL:** 0.8 acres

**AREA OF USE:** 3,495 Square Feet

**SUBZONE:** Limited

**CDUA MA-3458:**

On August 8, 2008, the Board of Land and Natural Resources (BLNR) approved CDUA MA-3458 for the proposed Martin SFR project; which was subject to 21 terms and conditions (**Exhibit 1**). Subsequently, the department received a time extension request to extend the construction deadline. However, construction had not commenced in time so the applicant was instructed to resubmit a new CDUA.

**DESCRIPTION OF AREA:**

The 0.8-acre subject parcel is located in Olowalu, Lahaina District, Island of Maui. The subject parcel is part of the Olowalu Makai Hikina subdivision. Neighboring parcels include the former Plantation Mill manager's property, the Olowalu General Store, Camp Olowalu to the west, and

a private parcel. There is a Government Beach Reserve parcel that fronts the subject parcel to the south. Access to the subject parcel is from the Honoapiilani Highway. The subject parcel is located in the State Land Use (SLU) Conservation District, Limited subzone (**Exhibit 2**).

**PROPOSED PROJECT:**

The applicants proposes to construct a SFR, pursuant to Section 13-5-23, Hawaii Administrative Rules (HAR), L-6, SINGLE FAMILY RESIDENCES, D-1, “a single family residence in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in this chapter.”

The applicant proposes to construct a 3,495 square foot single story SFR; maximum height will be 23 feet. Design elements included in the applicant’s computation of the Maximum Developable Area (MDA) and include's three (3) bedrooms, a media room, a large common room, a kitchen, laundry room, pantry, three (3) bathrooms, and three (3) lanais. A portion of the proposed porte-cochere and walkway trellis was removed to meet the MDA of 3,500 square feet.

The land is generally flat. There are ten kiawe trees on the mauka end of the property. Otherwise, flora is dominated by low-lying shrubs and grasses. Dominant fauna are also invasive; a survey revealed mice, rats, and mongoose. No known threatened or endangered species are known to frequent this parcel. However, the larger Olowalu area is home to some species of protected avifauna. An archaeological survey of the property did not reveal any surface or subsurface cultural resources.

Proposed landscaping in the Conservation District will be minimal. Some grading will be done to improve drainage patterns on the parcel. The project calls for 185 cubic yards of cut and fill (**Exhibit 3**).

Staff notes the proposed SFR meets the Minimum Yard setback requirements of 15 feet; the SFR is located approximately 40 to 50 feet from the property boundaries.

The SFR is a located in the Conservation District, Limited subzone and in a coastal high hazard area. Flood Insurance Rate Map (FIRM) Panel 1500030531E (dated September 25, 2009) indicates the subject parcel is located within Flood Zone AE5; an area of the 100 year flood with a base elevation of five (5) feet.

The existing grade of the subject parcel is approximately nine (9) feet above mean sea level (MSL). The finished floor height of the building will be approximately nine (9) feet above the existing grade in order to comply with federal flood standards. This would allow the applicant to construct the enclosed living areas, and overlying roof structure of the SFR within a fifteen (15) foot building height envelope above the minimum MSL floor elevation as required by flood elevations. The SFR will have a maximum height limit of approximately twenty-three (23) feet to meet Federal and County flood regulations.

**AGENCY COMMENTS:**

The CDUA and Final Environmental Assessment (FEA) were referred for review and comment to the Department of Land and Natural Resources (DLNR) – Division of Conservation and Resources Enforcement (DOCARE), State Parks Division, Commission on Water Resource Management (CWRM), Engineering Division, Historic Preservation Division (HPD), Maui District Land Office (MDLO); Department of Health - Environmental Planning Office and Office of Environmental Quality Control; Maui County - Planning Department, Maui County Council, and Department of Public Works; US Fish and Wildlife Service, Lahaina Public Library; and the Office of Hawaiian Affairs (OHA). The following comments were received

State Parks

No comment.

Division on Conservation and Resources Enforcement

No comment.

Historic Preservation Division

An archeological survey was conducted but no historic properties were found on the subject parcel. HPD recommends that archeological monitoring should occur during construction and an archeological monitoring plan should be submitted to HPD for review and acceptance prior to the start of any construction, pursuant to HAR, Section 13-279.

*Staff Note: the comment letter was received late by the OCCL. Should the CDUA be approved two conditions will be inserted in the terms and conditions section to note: 1) an archeological monitor will be present during construction; and 2) an archeological monitoring plan will be submitted to HPD for review and acceptance prior to the start of any construction.*

US Fish and Wildlife

The federally threatened green turtle (*Chelonia mydas*) and endangered hawksbill turtle (*Eretmochelys imbricata*) may occur within the vicinity of the project site. Seabirds, including the Newell's shearwater fly over the project site when transiting between mountainous breeding sites and the ocean. The proposed project may also impact the wedge-tailed shearwater (*Puffinus pacificus*) which is protected under the Migratory Bird Treaty Act. Both seabirds and sea turtles can be negatively impacted by the use of artificial outdoor lighting. Nesting turtles and emerging hatchlings navigate to the ocean using light cues that can be disrupted by artificial light sources; this disruption often results in turtles being unable to orient themselves, and may result in exhaustion or mortality. Seabirds fly at night and can be attracted to artificial lighted areas- this can result in disorientation and subsequent fallout due to exhaustion or collision with objects that protrude above the vegetation layer. Once grounded, they are vulnerable to predators or often struck by vehicles along roadways.

The USFW recommends that the design of exterior lighting includes effective light shields that are completely opaque, sufficiently large, and positioned so that light from shielded sources cannot be seen from above and does not reach the beach.

Applicant Response: in the interest of avoiding potential impacts to seabirds and sea turtles, exterior lighting within the project footprint will be effectively shielded and positioned so as not to be seen from above and not to reach the beach.

*Staff Note: Should the CDUA be approved a condition will be inserted in the terms and conditions section regarding the USFW's request regarding exterior lighting.*

Office of Hawaiian Affairs

OHA looks forward to seeing the landscape plan and hopes native plants will be utilized. The prior CDUA MA-3577 provides assurances that the 70 foot wide coastal strip of land between the shoreline and parcel, which provides lateral access, will not be impacted by the project. Three informants interviewed in the cultural impact assessment for the project emphasized the importance on maintaining shoreline access so that fishing activities which occur in the area can continue. We rely on assurances that fishing activities in the area will not be impacted by the project.

Applicant Response: native vegetation will be used in the landscape plan for the subject parcel to create a more Hawaiian sense of place.

Department of Health

DOH notes the subject parcel is located in the critical wastewater disposal area. We do not have any individual wastewater system (IWS) information on file. It is also not connected to the County water sewer service system. There are no objections to the project as there is adequate land area for the installation of one IWS, such as septic tank system, which shall be allowed to be constructed on the property to service up to five bedrooms or bedroom like rooms. All wastewater plans must conform to applicable provisions of the DOH's administrative rules, Chapter 11-62, "Wastewater Systems." We reserve the right to review the detailed wastewater plans for conformance to applicable rules.

Applicant Response: we acknowledge the project will be serviced by an onsite IWS, which will conform to the provisions of HAR, Chapter 11-62, "Wastewater Systems." We note that the DOH reserves the right to review detailed wastewater plans for conformance to applicable rules.

Maui County Department of Public Works

No comment.

Maui County Planning Department

No comment.

**ANALYSIS:**

Following review and acceptance for processing, the applicant was notified, by letter dated December 22, 2010 that:

1. The SFR is an identified land use within the Conservation District, pursuant to Hawaii Administrative Rules (HAR) Section 13-5-23, Identified land uses in the

Limited subzone, L-6, SINGLE FAMILY RESIDENCE, D-1, "A single family residence in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program and single family residential standards as outlined in this chapter." This use requires a permit from the DLNR. The final decision as to whether to grant or deny the permits lies with the Board of Land and Natural Resources (BLNR);

2. Pursuant to HAR, Section 13-5-40, HEARINGS, no public hearing will be required; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, the Draft Environmental Assessment (EA) was published in OEQC's Environmental Notice on March 23, 2008, and the Final (EA) received a Finding of No Significant Impact (FONSI) and was published in OEQC's Environmental Notice on June 23, 2008.

The OCCL notes CDUA MA-3577 was noticed in the Environmental Notice on January 8, 2011.

#### **SECTION 13-5-30 CRITERIA:**

The following discussion evaluates the merits of the proposed land use by applying the criteria established in HAR §13-5-30.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

The proposed use is an identified land use in the Conservation District, and is consistent with the Design Guidelines for Single Family Residences.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited Subzone is to limit uses where natural conditions suggest constraint on human activities.

Staff notes that the SFR is an identified land use in the Limited Subzone, which is restrictive in nature regarding land use development. Land is classified as Limited due to potential natural hazards, and the applicant must show they have addressed and mitigated the risk factors. The parcel in question is in a tsunami evacuation zone and Flood Zone AE. The applicant will need to comply with federal, state, and county regulations for building in a flood zone (National Flood Insurance Program, Ordinance No. 1145 of the Hawaii Revised Statutes).

Staff notes the subject site does not appear to have other substantive environmental constraints that would limit the uses of the site for an SFR, and there are other residences in the immediate vicinity.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

Staff notes applicant has not received a Special Management Area (SMA) permit. Typically, the SMA is received prior to the BLNR approving any SFR CDUA's however the applicant has extenuating circumstances which will be summarized in the discussion section below. Staff is of the opinion that the project complies with the Coastal Zone Management Program policies and objectives. The project should not affect lateral access or recreational activities. The applicant has agreed to follow Best Management Practices (BMP's) to reduce runoff into the ocean. The applicant will implement measures designed to reduce the impact to seabirds and sea turtles with regards to exterior lighting.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff notes that the proposed project will not have any significant adverse impact to existing natural resources within the surrounding area. The area has been heavily disturbed during the plantation era. It is dominated by kiawe scrub. No significant indigenous flora or fauna are known to inhabit the site.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The surrounding area is predominately rural, with a few scattered residences. The design of the house is similar to other plantation-style houses on Maui. The proposed land use is compatible with the locality and surrounding areas, and is appropriate to the physical conditions and capabilities of the parcel.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff notes that a SFR will not have a significant impact on the physical and environmental aspects of the land. Natural beauty and open space characteristics will be preserved.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The proposed action will not be materially detrimental to the public health, safety and welfare.

**DISCUSSION:**

The proposed use is an identified land use, pursuant to Section 13-5-23, Hawaii Administrative Rules (HAR), L-6, SINGLE FAMILY RESIDENCES, D-1. The applicant proposes to construct a 3,495 square foot single story SFR; maximum height will be 23 feet. The residence will be set back 40 to 50 feet from the property boundaries. Design elements include three (3) bedrooms, a media room, a large common room, a kitchen, laundry room, pantry, three (3) bathrooms, and three (3) lanai. A portion of the porte-cochere and walkway trellis was removed to maintain the 3,500 square feet of MDA.

Staff notes the applicant has not received a Special Management Area (SMA) permit. Typically, the SMA is received prior to the BLNR approving SFR CDUA's however the applicant has extenuating circumstances. On July 8, 2008, a SMA Assessment application was filed with the Maui County Planning Department. A request was made for an exemption from the SMA permitting requirements based on the "single-family" residence exemption category. On April 3, 2009, the Planning Department noted they were unable to complete the processing of the application. The Department determined that the property's underlying land use designation set forth in the West Maui Community Plan (Open Space) does not provide land use consistency needed for the continued processing of the SMA assessment application. On April 23, 2009, Mr. Martin filed an appeal to the Department's determination; which is still in process. Thus, the completion of the SMA Assessment application process has not yet been concluded pending the outcome of the appeal.

Staff notes that the BLNR already approved CDUA MA-3458 two years ago without SMA approval because SFR's do not require an SMA permit under state law.

The current flood zone is AE with a base flood elevation of 5 feet MSL which became effective on 9/25/2009. The SFR's finished floor elevation is 9 feet to address base flood requirements. Staff notes the applicant is not asking for a variance from the Minimum Setback requirements of fifteen (15) feet or the Maximum Height Limit of twenty-five (25) feet; setbacks are as follows front yard setback 48 feet, side yard setbacks 57 and 48 feet, and rear yard setback 28 feet. The SFR will meet HAR, Chapter 13-5, Section 13-5-41(a), SINGLE FAMILY RESIDENCES; STANDARDS. Staff notes the SFR will comply with the National Flood Insurance Program. The SFR is approximately 100 feet away from the shoreline.

Staff notes at the Land Board meeting the applicant will ask to amend the standard conditions regarding the deadlines to start and to finish construction. Staff notes the appeal with the Planning department is currently pending. Staff notes the applicant should be allowed three (3) years to initiate construction and five (5) years to finish construction. Staff notes the current standard conditions allow for a one (1) year deadline to initiate construction and three (3) year

deadline to complete construction. Staff notes that this deviation from the standard condition is warranted due to the pending appeal before the Planning Department.

The applicant will preserve the natural beauty and open space characteristics of the subject parcel around the SFR with appropriate building design and landscaping. Staff is of the opinion that the proposed SFR will not result in substantial adverse impacts to natural resources. However, staff notes the proposed landscape plan is insufficient as the proposed plants are not identified (**Exhibit 4**). The OCCL notes as a condition of this permit the applicant will resubmit a landscape plan, with preference given to Native Hawaiian plants, for approval prior to construction.

Staff notes the subject parcel is fronted by a government beach reserve to the south. Staff notes that lateral public access should not be impeded nor will recreational and/or cultural uses (shoreline fishing, net fishing, spear diving, lamalama, and shoreline gathering of limu, etc.) be impeded by the applicant.

Finally, Staff notes the applicant should follow the US Fish and Wildlife Service and the Division of Forestry and Wildlife Seabird Protection Protocol to protect seabirds, which note: 1) lights mounted in the project footprint, and throughout the construction period, shall be shielded so the bulb is not visible above bulb height; 2) night work shall cease during peak fallout period between September 15 and December 15; 3) information regarding seabird fallout will be provided to all staff working on site prior to work commencing; 4) a cat kennel will be kept on site to temporarily hold any downed seabird; and 5) if a downed seabird is found the Service will be contacted within 24 hours; if the bird is alive it will be placed in the kennel and the DLNR or National Park Service will be contacted.

**RECOMMENDATION:**

That the Board of Land and Natural Resources APPROVE CDUA MA-3577 for the proposed Martin Single Family Residence project at Olowalu, Lahaina District, Island of Maui, located at Subject Parcel: TMK (2) 4-8-03:46, subject to the following terms and conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall comply with all applicable Department of Health administrative rules;
- 4) The applicant shall obtain all applicable permits (County of Maui, Building and Grading Permit) from Maui County prior to construction;



- 5) The single-family dwelling shall not be used for rental or any other commercial purposes unless approved by the Board of Land and Natural Resources;
- 6) The applicant will not impede lateral public access or recreational and/or cultural uses (shoreline fishing, net fishing, spear diving, lamalama, and shoreline gathering of limu, etc.);
- 7) All mitigation measures set forth in the application materials, and in the final environmental assessment for this project are hereby incorporated as conditions of the permit;
- 8) The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
- 9) Any work done on the land shall be initiated within three (3) year of the approval of such use, and unless otherwise authorized be completed within five (5) years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 10) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction, grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 11) The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
- 12) The applicant shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
- 13) Artificial light from exterior lighting fixtures, including but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to §205A-71, HRS. No outdoor lighting shall be directed towards the sea;
- 14) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or

inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

- 15) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 16) The Applicant shall utilize Best Management Practices for the proposed project;
- 17) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 18) Potable water supply and sanitation facilities shall have the approval of the appropriate agencies;
- 19) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- 20) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 21) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
- 22) Cleared areas shall be re-vegetated within thirty days of the completion of construction as described in a landscaping plan on file with the Department;
- 23) Obstruction of public roads, trails, and pathways shall be minimized. If obstruction is unavoidable, the applicant shall provide roads, trails, or pathways acceptable to the department;
- 24) The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawaii Administrative Rules, Chapter 13-5;
- 25) The applicant shall execute a waiver and indemnity agreement prior to submitting construction plans for approval that is satisfactory to the Department;
- 26) The applicant shall comply with the National Flood Insurance Program and Ordinance No. 1145 of the Hawaii Revised Statutes;
- 27) The applicant will have an archeological monitor be present during construction;


- 28) The applicant will submit an archeological monitoring plan to HPD for review and acceptance prior to the start of any construction;
- 29) The applicant will adhere to the US Fish and Wildlife Service request that the design of exterior lighting includes effective light shields that are completely opaque, sufficiently large, are positioned so light from shielded sources cannot be seen from above, and does not reach the beach;
- 30) The applicant will submit a landscape plan with preference to Native Hawaiian Plants prior to construction;
- 31) The applicant will follow the Seabird Protection Protocol developed with the US Fish and Wildlife Service and the Division of Forestry and Wildlife;
- 32) Other terms and conditions as may be prescribed by the Chairperson; and
- 33) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully Submitted,



Dawn T. Hegger  
Senior Staff Planner

Approved for Submittal:



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WILLIAM J. AILA, JR., Chairperson  
Board of Land and Natural Resources

LINDA LINGLE  
GOVERNOR OF HAWAII



RECEIVED  
OFFICE OF CONSERVATION  
AND COASTAL LANDS

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STATE OF HAWAII  
NATURAL RESOURCES  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS

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HONOLULU, HAWAII 96809

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COMMISSION ON WATER RESOURCE MANAGEMENT  
RUSSELL V. TSUJI  
FIRST DEPUTY  
KEN C. KAWAHARA  
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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAOHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:MC

CDUP: MA-3458

Kyle Ginoza  
Munekiyō & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, HI 96793

AUG 11 2008

SUBJECT: CONSERVATION DISTRICT USE PERMIT (CDUP) MA-3458  
Martin Single Family Residence  
Olowalu, Lahaina District, Maui  
(2) 4-8-03:46

This is to inform you that on August 8, 2008, the Board of Land and Natural Resources approved this Conservation District Use Permit (CDUP) MA-3458 for a single family residence at Olowalu, Lahaina District, Maui, TMK (2) 4-8-03:46, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, State and county governments, and the applicable parts of Section 13-5-42, HAR;
2. National Flood Insurance Program and Ordinance No. 1145 of the Hawai'i Revised Statutes.
3. The applicant, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
4. The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawai'i Administrative Rules (HAR), Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control," and Chapter 11-54 National Pollutant Discharge Elimination System;
5. Before proceeding with any work authorized by the Board, the applicant shall submit four copies of the construction plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;

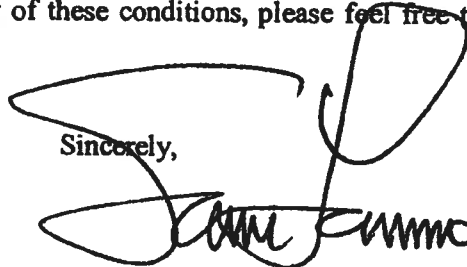
EXHIBIT 1

6. Any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been approved by the Department; further, all work and construction of the residence and infrastructure must be completed within three years of the approval. It is understood that the reforestation plan is an ongoing project;
7. The applicant shall notify the Office of Conservation and Coastal Lands in writing prior to the initiation, and upon completion, of the project;
8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
9. The applicant will use Best Management Practices for the proposed project;
10. The applicant will give preference towards using native plants all landscaping work;
11. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
12. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
13. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the applicant shall immediately contact the State Historic Preservation Division;
14. The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
15. The single family dwelling will not be used for rental or any other commercial purposes unless approved by the Board;
16. The applicant will contact OCCL for any permitting requirements should they change the scope of the project;
17. The applicant will follow the *Seabird Protection Protocol* developed with the US Fish and Wildlife Service and the Division of Forestry and Wildlife;
18. That the applicant shall execute a waiver and indemnity prior to construction plan approval that is satisfactory to the Department;

19. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS;
20. Other terms and conditions as may be prescribed by the Chairperson; and
21. That failure to comply with any of these conditions may render this Conservation District Use Permit null and void.

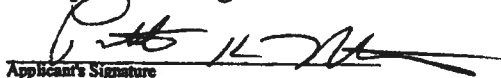
Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, please feel free to contact Michael Cain at 587-0048.

Sincerely,



Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

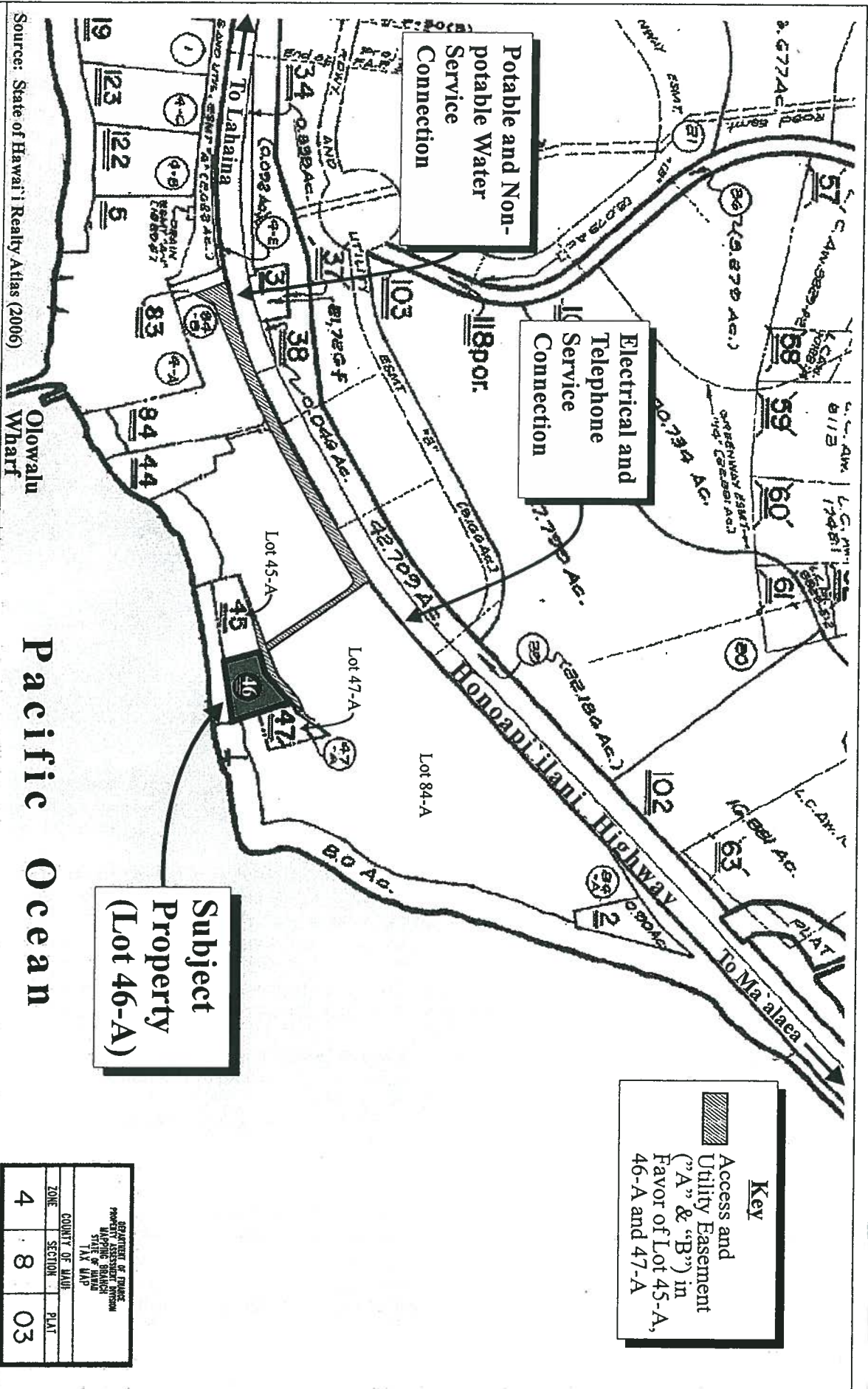
Receipt acknowledged:

  
Applicant's Signature

Date

8/13/08  
8/13/08

cc: DLNR Chair, Maui County Planning



**Figure 7**

**Proposed Martin Single-Family Residence**

**Existing Utilities**



Prepared for: Peter Martin

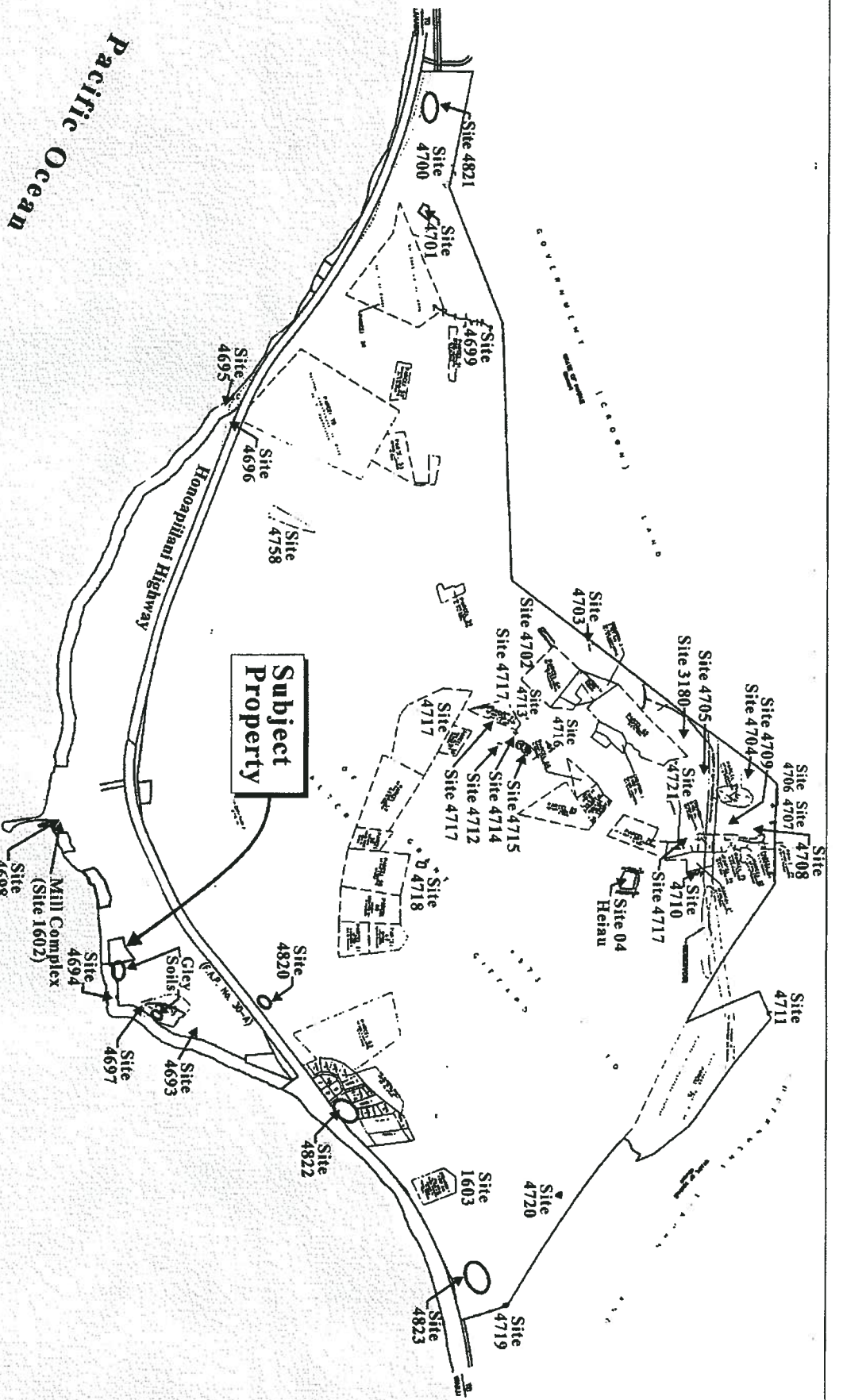
DEPARTMENT OF PUBLIC WORKS PROPERTY ASSESSMENT DIVISION MAPPING BRANCH STATE OF HAWAII TAX MAP			
COUNTY OF MAUI	SECTION	PLAT	
4	8	03	

NOT TO SCALE

MUNEKIYO & HIRAGA, INC.

MartinOlowaluLot46ExistingUtilities.cdw





Source: Kamañek Researches, LLC

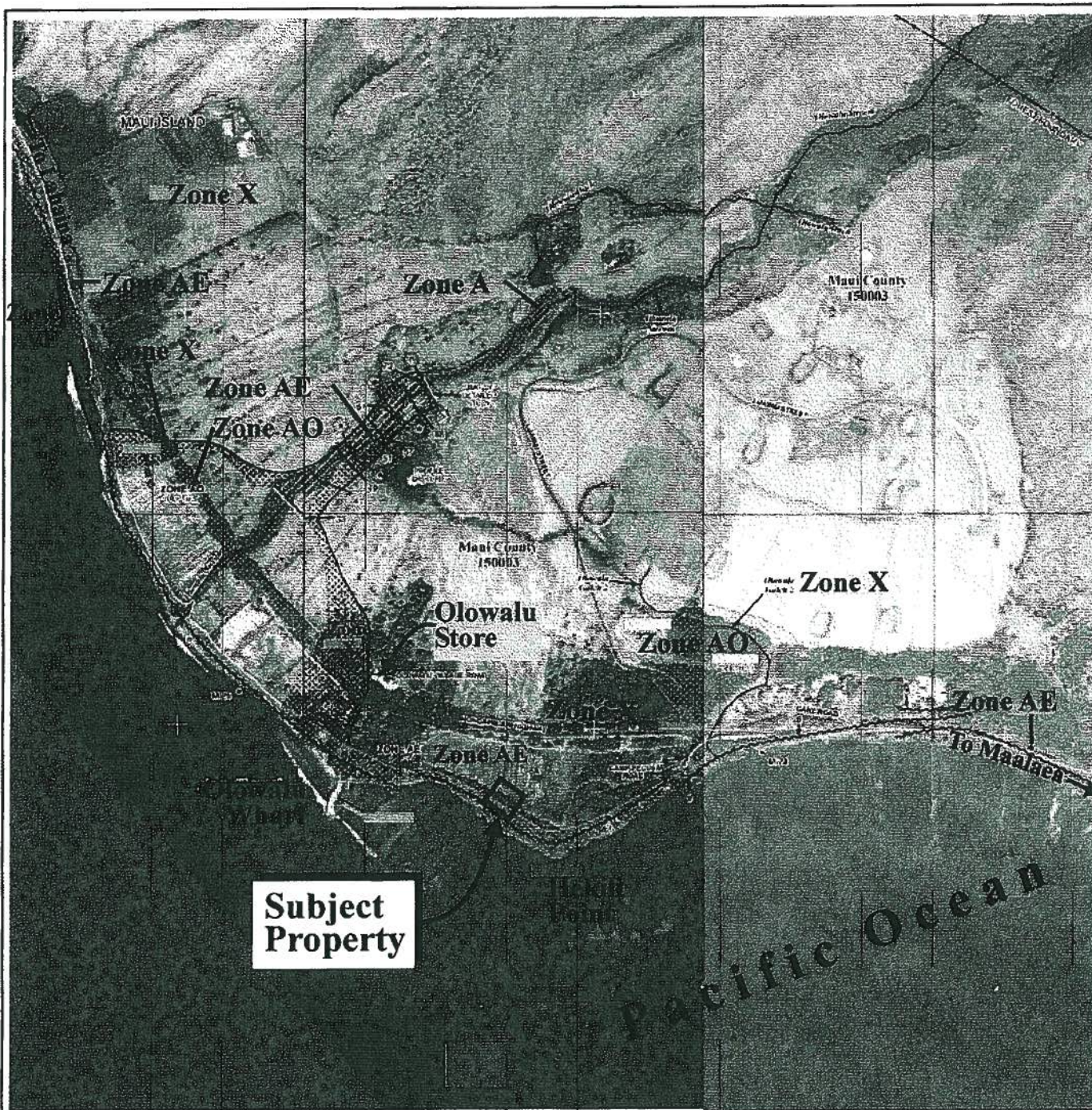
**Figure 9** **Proposed Martin Single-Family Residence**  
 Historical, Archaeological, and Cultural Resources



Prepared for: Peter Martin

EXHIBIT 2





Source: Federal Emergency Management Agency,  
FIRM Map Numbers 1500030531E and 150030532E, September 25, 2009

**Figure 8**      **Proposed Martin Single-Family**  
**Residence and Related Improvements**  
**Flood Insurance Rate Map**

NOT TO SCALE



Prepared for: Peter Martin

MUNEKIYO & HIRAGA, INC.

Martin/OlowaluLot46/FIRM.cdua

EXHIBIT 2



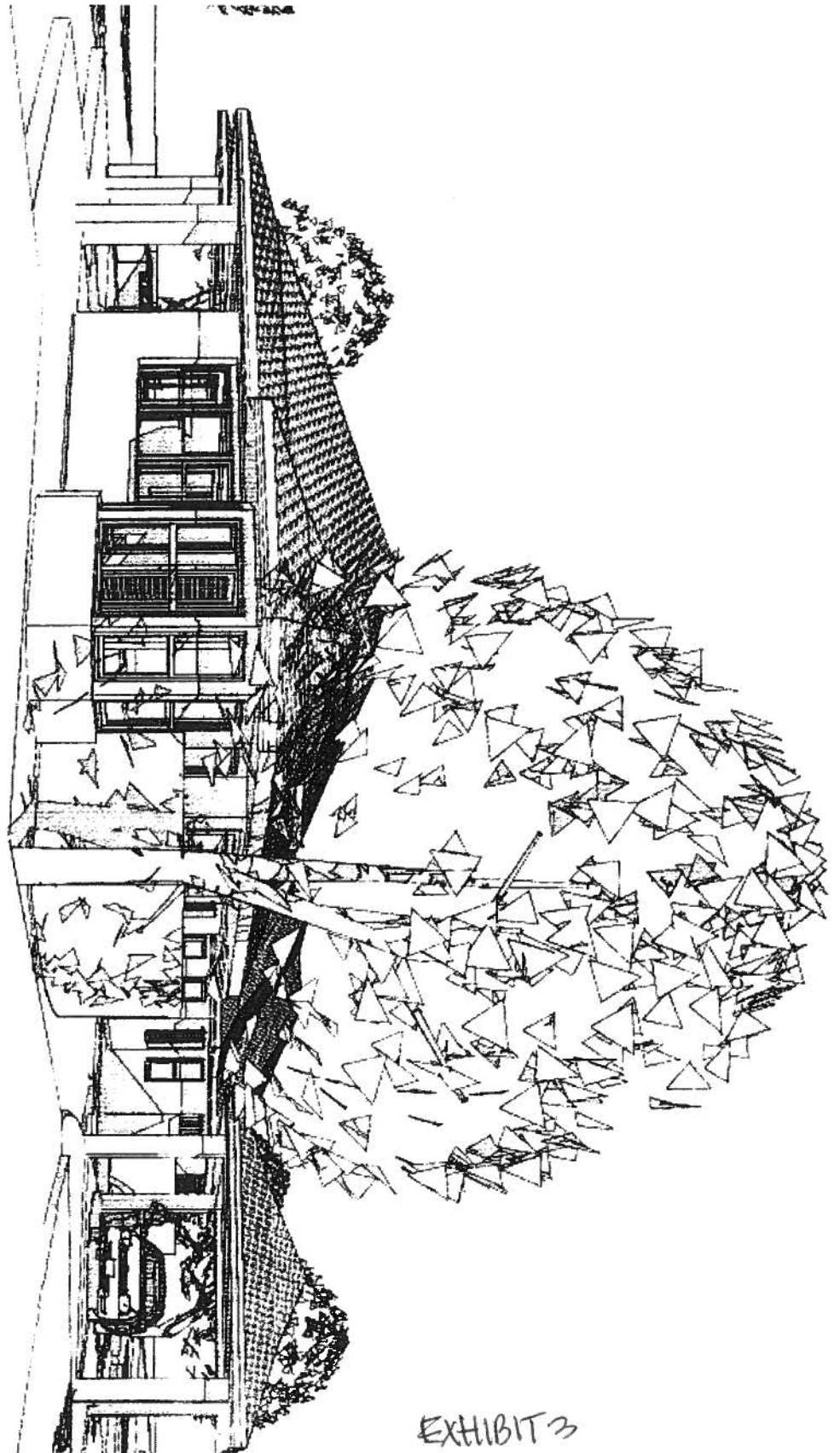


EXHIBIT 3

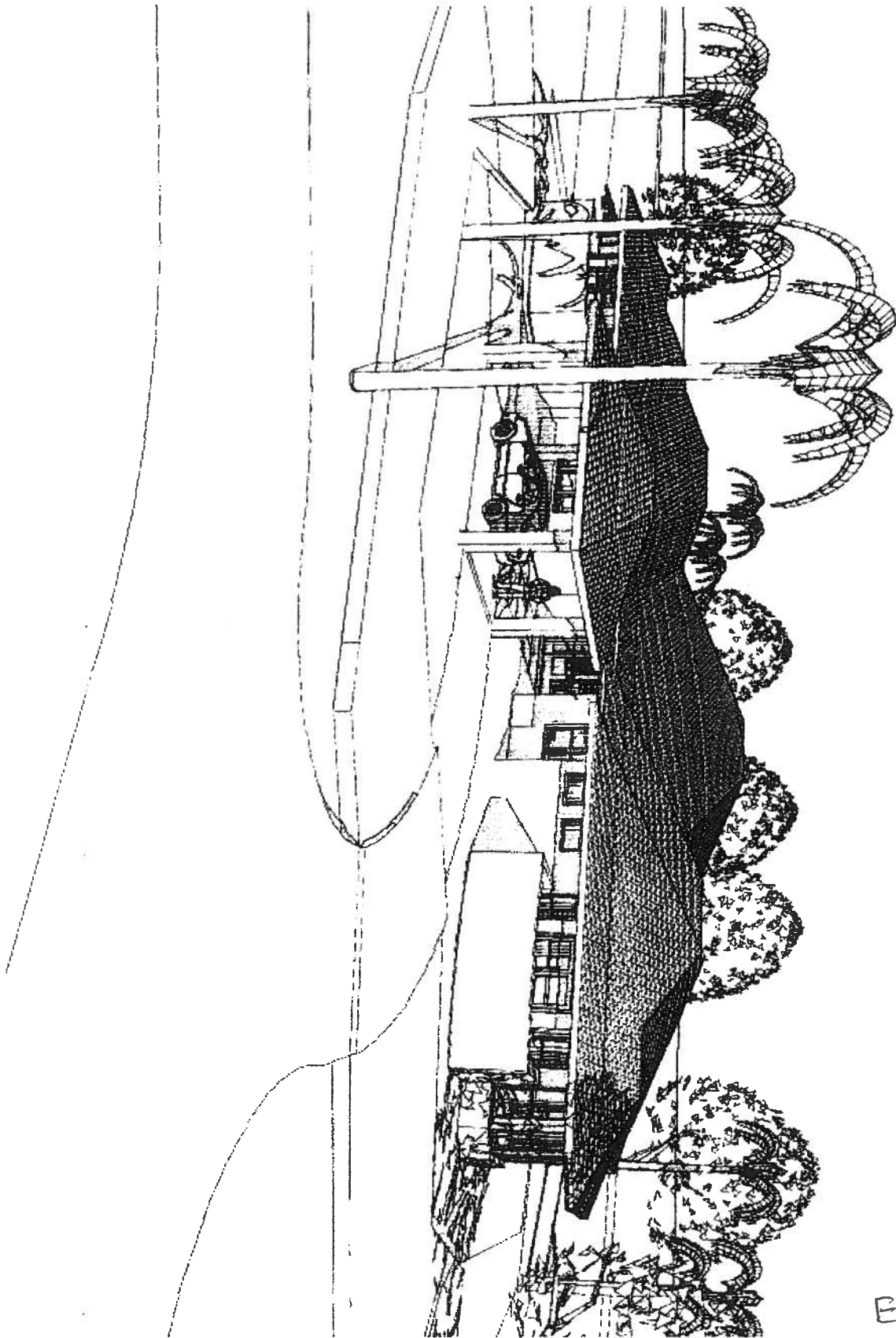


EXHIBIT 3

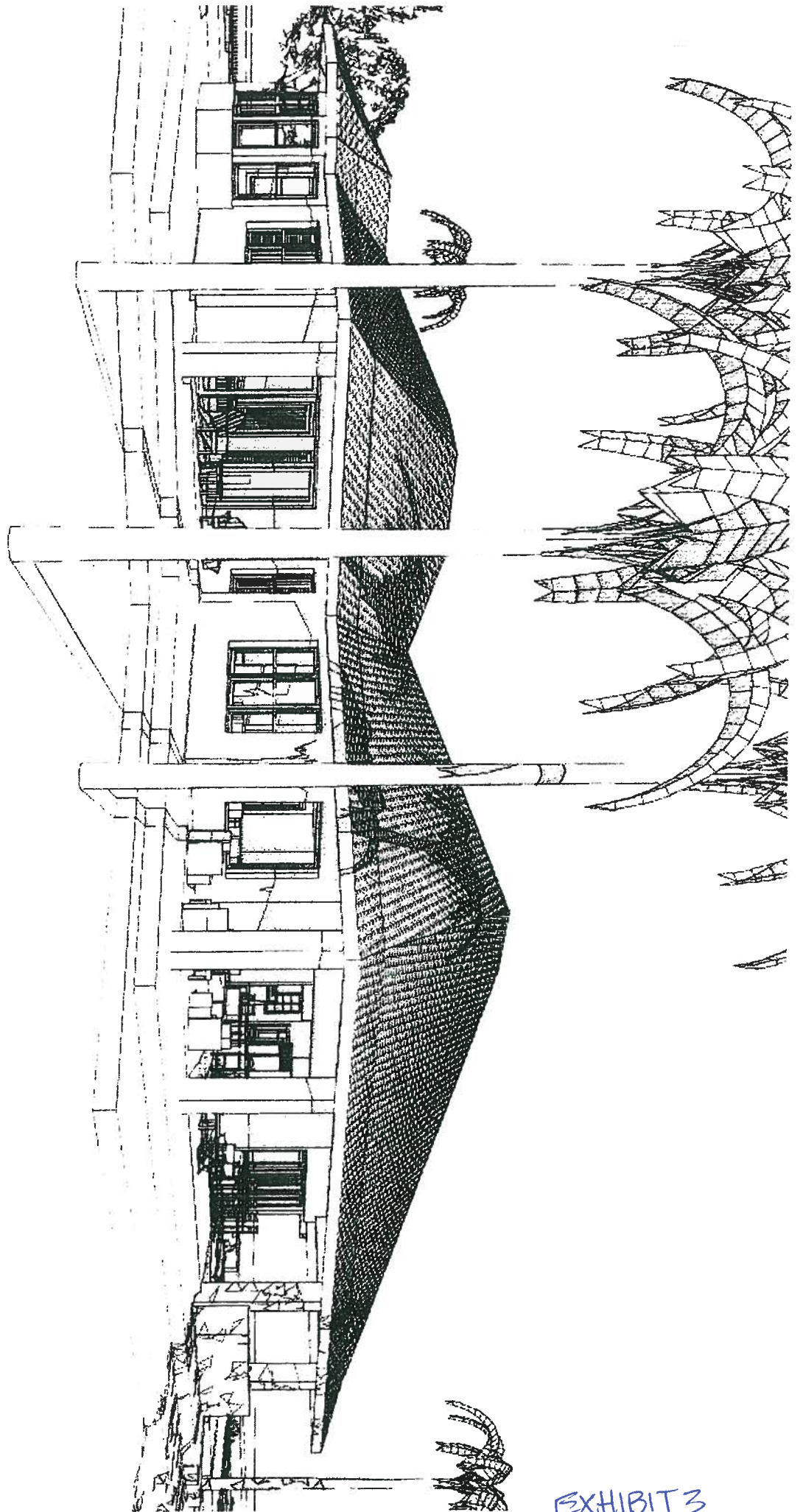


EXHIBIT 3

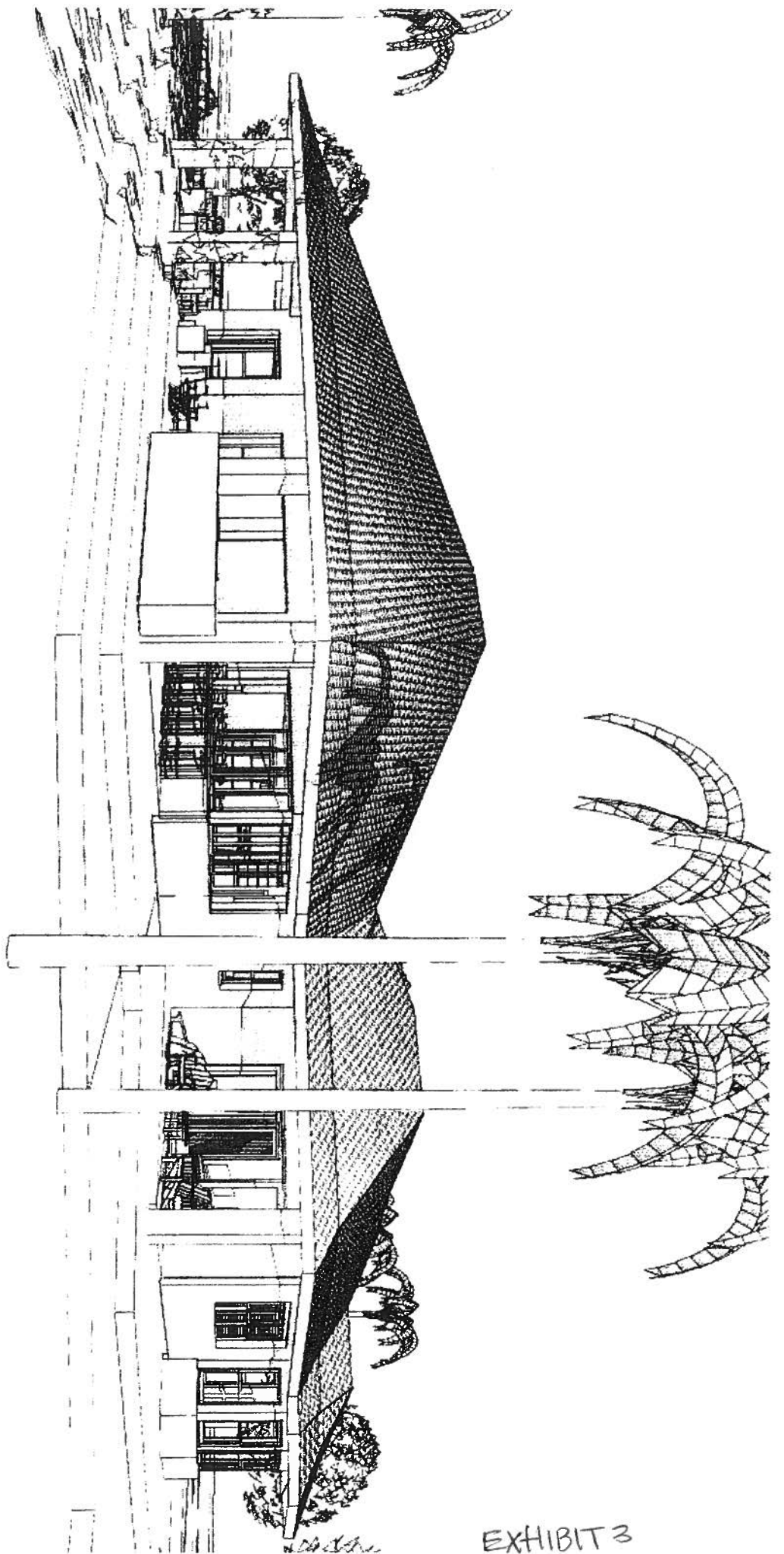
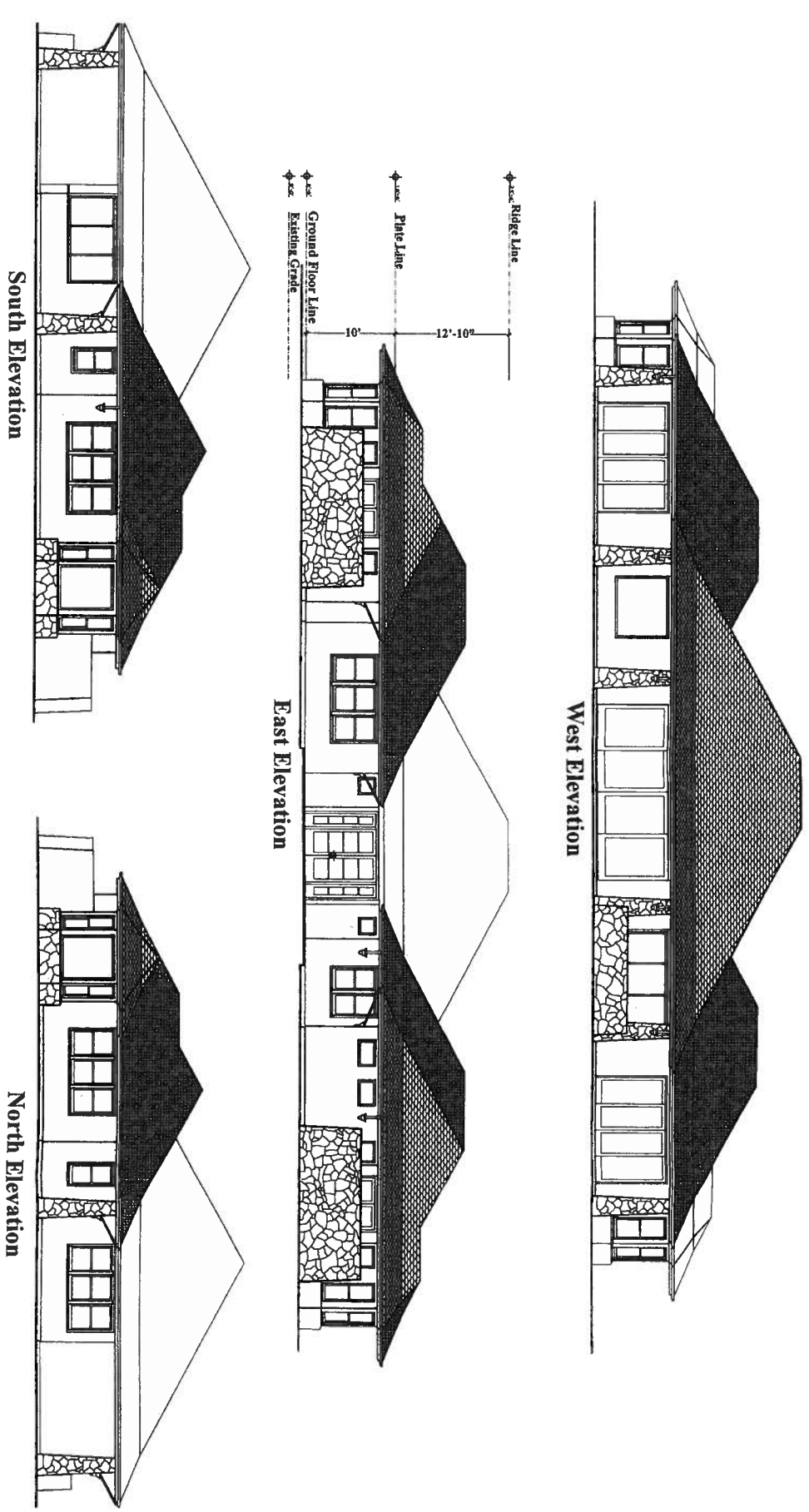


EXHIBIT 3



Source: Richard S. Young - Architect

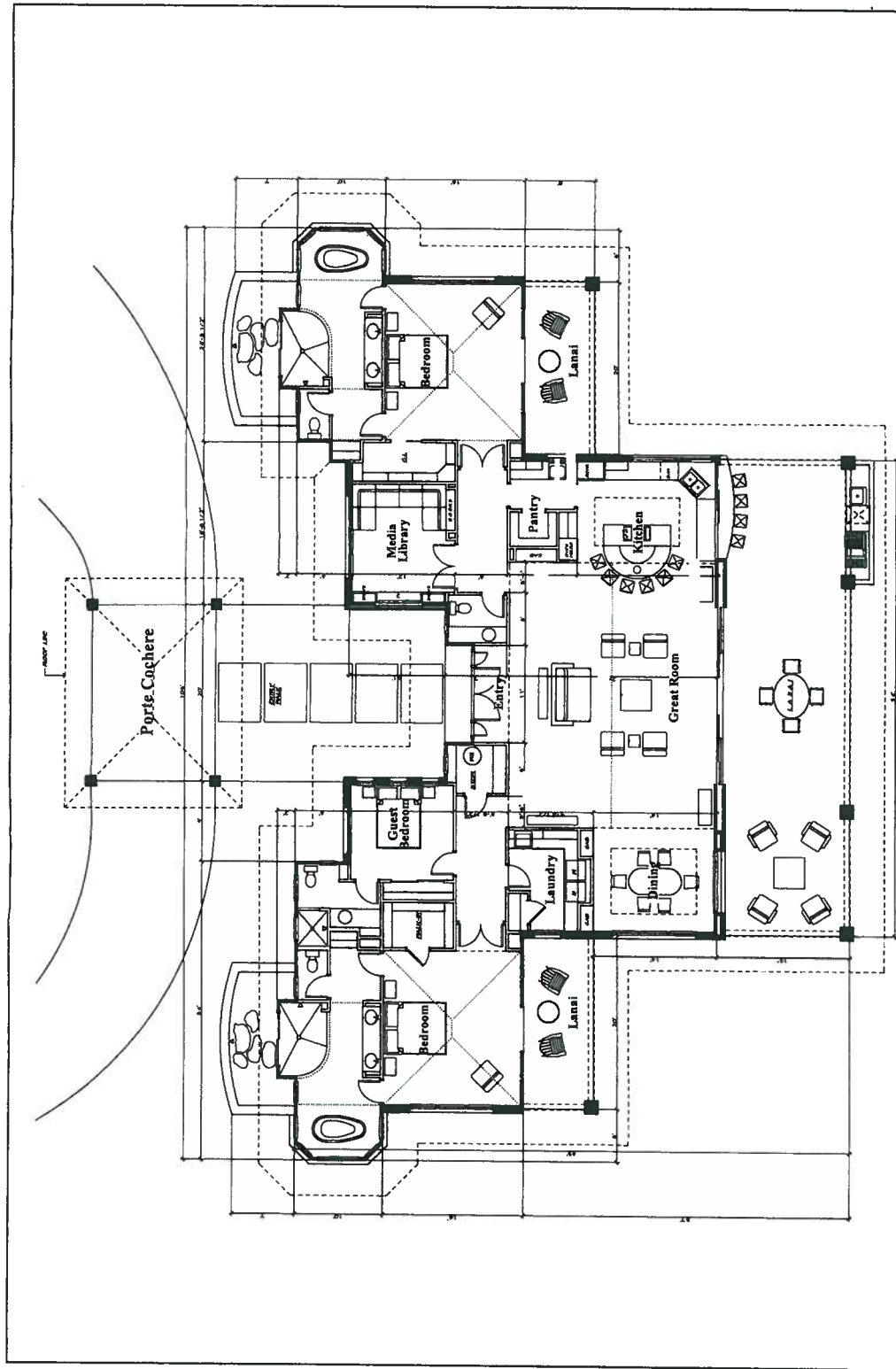
Figure 6

Proposed Martin Single-Family Residence  
Building Elevations

NOT TO SCALE

Prepared for: Peter Martin





Source: Richard S. Young - Architect

Figure 5

Proposed Martin Single-Family Residence  
Floor Plan

NOT TO SCALE



Prepared for: Peter Martin

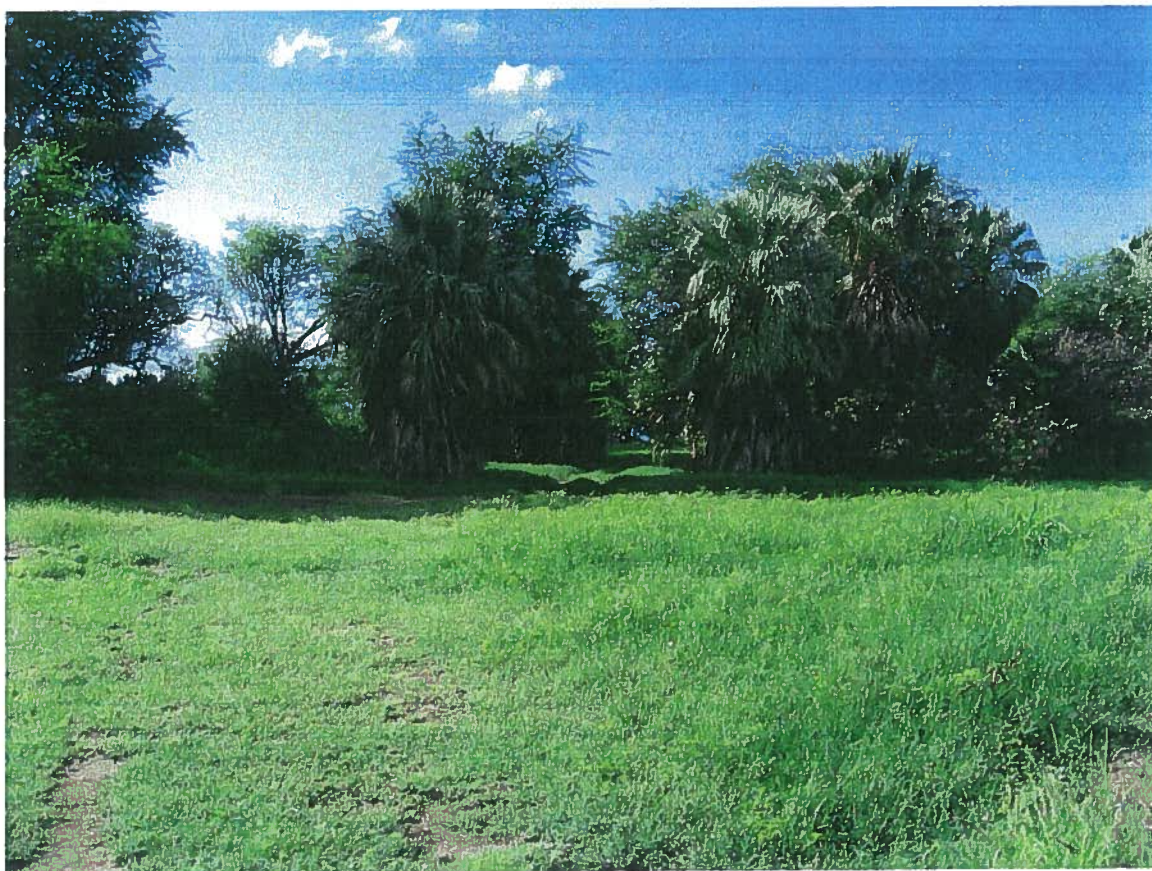
MUNEKIYO & HIRAGA, INC.

Martin 00newd124661011A1 Plan





**PHOTO NO. 1**



**PHOTO NO. 2**

EXHIBIT 3





**PHOTO NO. 3**



**PHOTO NO. 4**

EXHIBIT 3





**PHOTO NO. 5**



**PHOTO NO. 6**

EXHIBIT 3

THIS DOCUMENT IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**RICHARD S. YOUNG - ARCHITECT**  
MC-1 BOX 103, KAHANAKA, MOLOKA, HAWAII 96740

**MARTIN RESIDENCE**  
1/1/87 - 1/1/87  
TNC 4-2-2014

A-1

**SITE PLAN**  
1/1/87 - 1/1/87

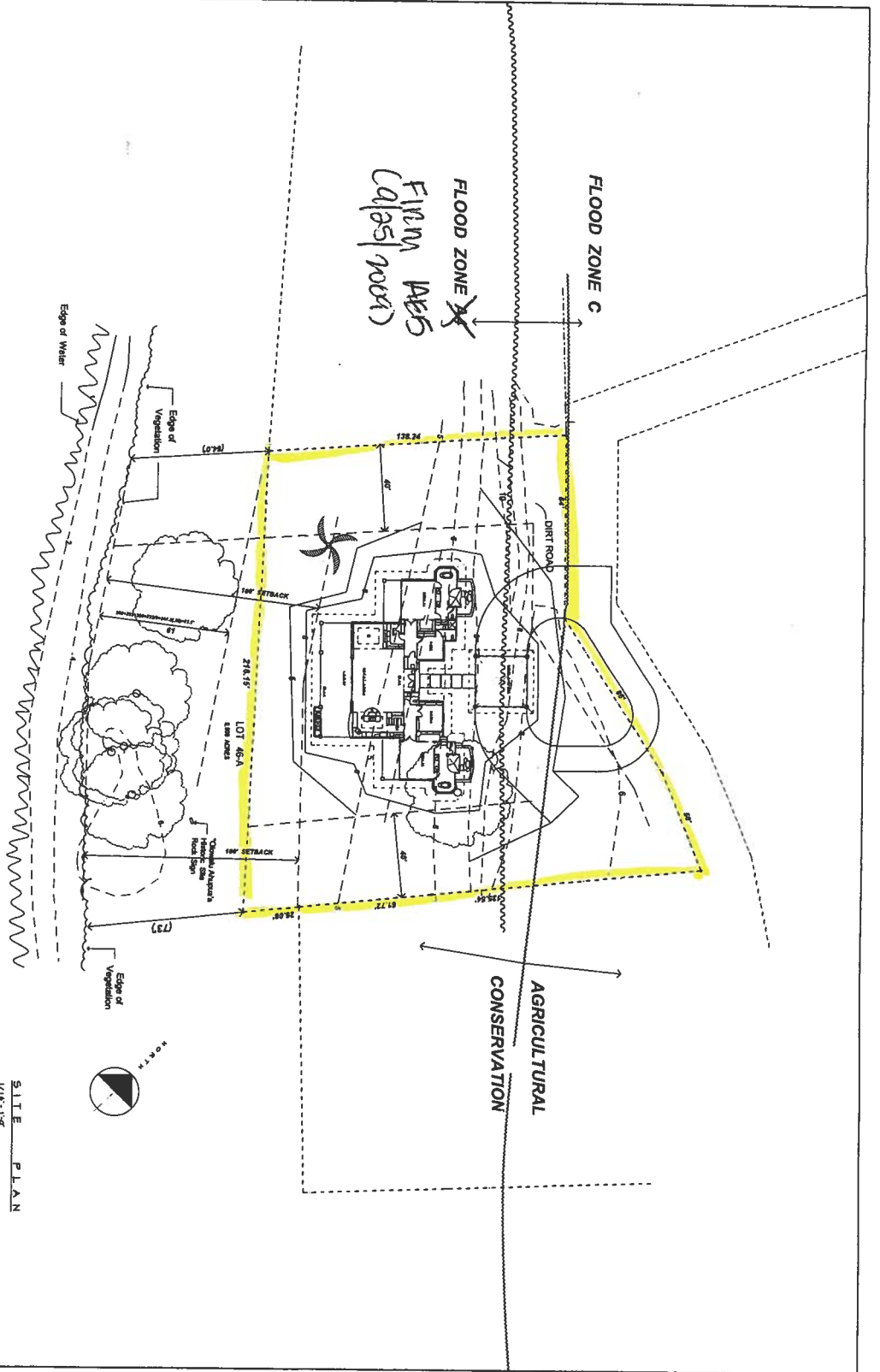
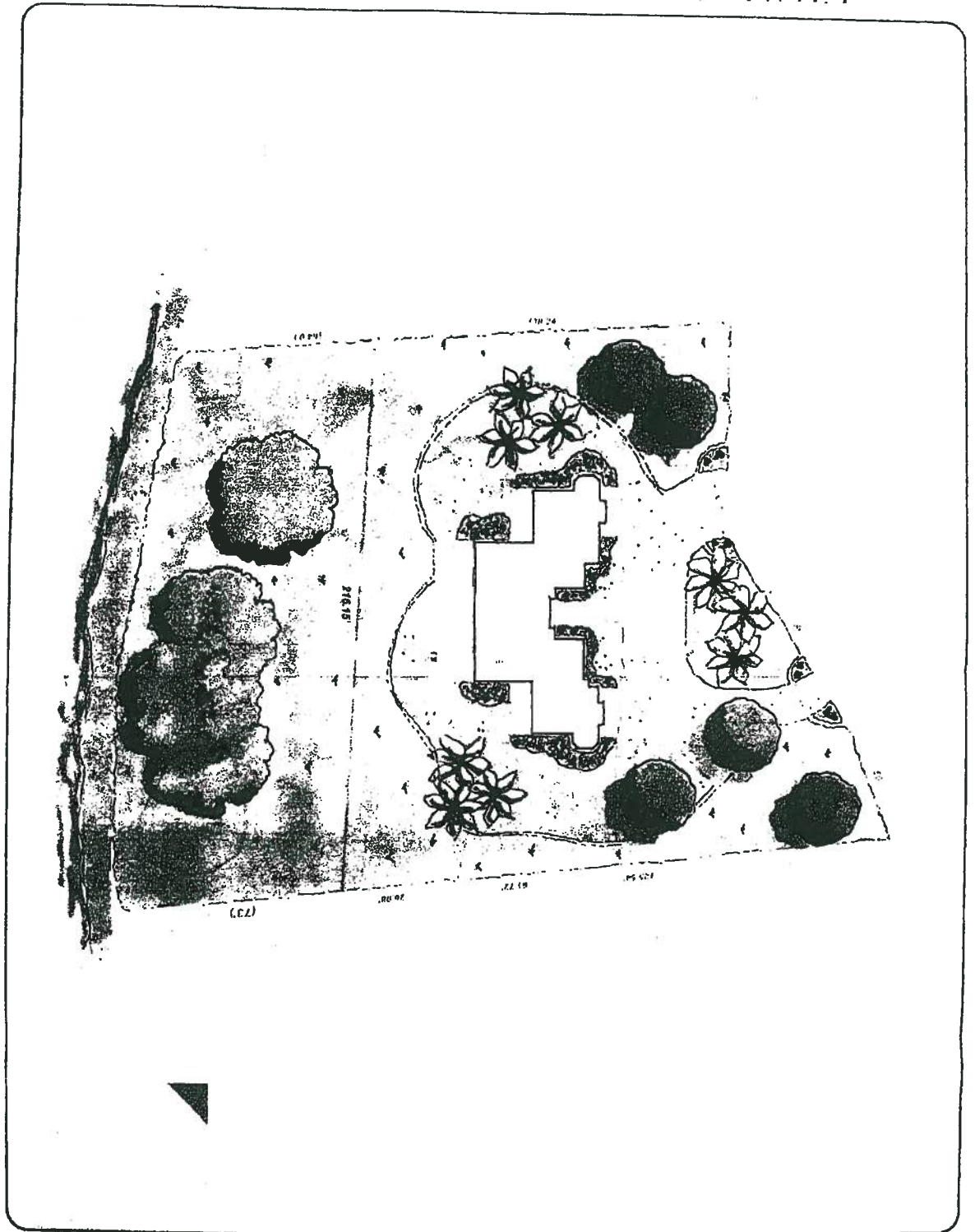


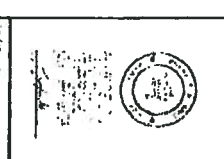
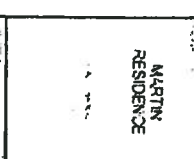
EXHIBIT 3





DATE	1/1/00
BY	J. L. L.
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DATE	
BY	

MARTIN  
RESIDENCE



MARVELL  
DESIGN GROUP

